

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JEFFREY JON FRAZER,)	No. CV-06-037-CI
)	
Plaintiff,)	ORDER DENYING PLAINTIFF'S
)	MOTION TO RECONSIDER
v.)	APPOINTMENT OF COUNSEL AND
)	GRANTING PLAINTIFF'S MOTION
MAGGIE MILLER-STOUT, HAROLD)	FOR RETURN OF DOCUMENTS
CLARKE, and PATRICK McCARTHY,)	
)	
Defendants.)	

BEFORE THE COURT are Plaintiff's Motions to reconsider appointment of counsel and for return of his First Amended Complaint from District Court. (Ct. Rec. 29, 30.) Plaintiff is proceeding pro se; Assistant Attorney General Mary Catherine McLachlan represents Defendants. The parties have consented to proceed before a magistrate judge. (Ct. Rec. 34.)

On March 24, 2006, the court denied Plaintiff's Motion for Appointment of Counsel. (Ct. Rec. 7, 10.) On May 16, 2006, the court denied Plaintiff's Motions for Reconsideration which were filed March 28, 2006, April 6, 2006, and April 11, 2006. (Ct. Rec. 13, 15, 16, 23.) On July 3, 2006, Plaintiff filed the instant Motions.

After review of the record, the court finds Plaintiff has not presented "exceptional circumstances" that warrant appointment of counsel at this time. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th

1 Cir. 1991). Accordingly,

2 **IT IS ORDERED:**

3 1. Plaintiff's Motion to Reconsider Appointment of Counsel
4 (Ct. Rec. 29) is **DENIED**;

5 2. Plaintiff's Motion for the return of his First Amended
6 Complaint from District Court (Ct. Rec. 30) is **GRANTED**.

7 3. The Clerk is directed to return Plaintiff's original First
8 Amended Complaint and all exhibits to Plaintiff at his current
9 address in Monroe, Washington.

10 4. The District Court Executive shall file this Order and
11 provide a copy to Plaintiff and counsel for Defendants.

12 DATED August 8, 2006.

13
14 S/ CYNTHIA IMBROGNO
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28